

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 1998-353-C - ORDER NO. 2003-699  
DECEMBER 2, 2003

IN RE: Application of Level 3 Communications, LLC ) ORDER GRANTING  
for Approval of Flexible Regulation of its ) FLEXIBLE  
Local Exchange Services. ) REGULATION

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of Level 3 Communications, LLC (Level 3 or the Company) for approval of flexible regulation of its local exchange services. A review of the record reveals that Level 3 was granted authority to provide resold local exchange service within the State of South Carolina by Commission Order No. 98-855, dated November 2, 1998.

Upon the Commission's receipt of Level 3's Application and pursuant to the instructions of the Commission's Executive Director, the matter was published in the Commission's subscription service. No Protests or Petitions to Intervene were received. We will therefore proceed to dispose of the matter summarily.

By its Application, Level 3 requests that the Commission regulate its local telecommunications services in accordance with the principles and procedures established for flexible regulation by Commission Order No. 98-165 in Docket No. 97-467-C.<sup>1</sup> Further, Level 3 requests that the Commission adopt a rate structure that incorporates maximum rate levels for its local exchange service offerings while providing

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<sup>1</sup> By Order No. 98-165 issued March 5, 1998, in Docket No. 97-467-C, the principles and procedures for flexible regulation were established and first granted to NewSouth Communications, LLC.

the flexibility to make adjustments below the maximum rate levels in keeping with the procedures established for flexible regulation in Order No. 98-165 in Docket No. 97-467-C.

Level 3 specifically requests that its local exchange tariff filings be presumed valid upon filing, subject to the Commission's right within thirty (30) days to institute an investigation of the tariff filing, in which case such tariff filings would be suspended pending further order of the Commission. Level 3 also requests that any tariff filings will be subject to the same monitoring process as similarly situated competitive local exchange carriers.

Flexible regulation of local exchange services has been frequently approved by this Commission to promote competition in the telecommunications industry in South Carolina. We find that flexible regulation will continue to promote competition in the telecommunications industry in South Carolina. Accordingly, we approve Level 3's request for flexible regulation.

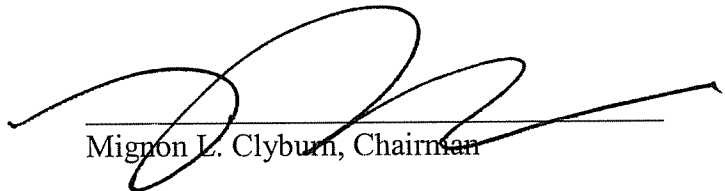
IT IS THEREFORE ORDERED:

1. That Level 3 Communications, LLC's local telecommunications services shall be regulated in accordance with the principles and procedures established for flexible regulation first granted to NewSouth Communications by Order No. 98-165 in Docket No. 97-467-C. Specifically, the Commission adopts for Level 3 Communications, LLC's competitive intrastate local exchange services a rate structure incorporating maximum rate levels with the flexibility for adjustment below the maximum rate levels that will have been previously approved by the Commission.

2. That Level 3 Communication LLC's local exchange service tariff filings are presumed valid upon filing, subject to the Commission's right within thirty (30) days to institute an investigation of the tariff filing, in which case the tariff filing would be suspended pending further Order of the Commission. Further, any such tariff filings will be subject to the same monitoring process as similarly situated competitive local exchange carriers.

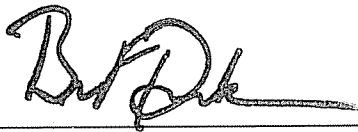
3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Mignon L. Clyburn, Chairman

ATTEST:



Bruce F. Duke, Acting Executive Director

(SEAL)